

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 16, 2005. Claims 1-3, 5, 7-29, 33-46, 48, 49, 53-57, 59, 62-67, and 70-78 were pending in this patent application. The Examiner rejects Claims 1-3, 5, 7-29, 33-46, 48, 49, 53-57, 59, 62-67, and 70-78. Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Applicant appreciates the courtesy of a telephone interview allowed with the Examiner on April 18, 2006. During the interview, the Applicant's attorney and the Examiner discussed the patentability of the independent claims in light of the present rejection. During that interview, the Examiner suggested that the independent claims be amended to recite that the claimed election key is "tangible." Accordingly, Applicants have made this amendment to expedite prosecution in the application. Applicants respectfully request reconsideration of these claims as amended.

Section 103 Rejections

The Examiner rejects Claims 1, 5, 8-11, 14-16, 18-25, 26-27, 34-37, 40-46, 48, 49, 53, 56-57, 59, 62, 65, 66, 71, and 74-78 under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,081,793 issued to Challener et al. ("*Challener*") in view of the publication "The Caltech/MIT Voting Technology Project," hereinafter ("*VTP*"). Furthermore, the Examiner rejects Claims 2 and 28; 3 and 29; 12, 13, 38, 39, 54, and 55; and 63, 64, 72, and 73 under U.S.C. § 103(a) as being unpatentable over *Challener* in view of *VTP* and further in view of a variety of different references.

Applicant respectfully submits that independent Claims 1, 27, and 48-49 are patentable over the art of record because none of the references alone or in combination disclose, teach, or suggest each and every element of the above-identified claims. First, Applicant believes that the cited combination of references does not disclose, teach or suggest "a tangible election key . . . storing a digital signature used to ensure that the election key is valid and authentic." Even assuming, as asserted by the Examiner, that encryption using a key is a way to digitally sign a document, the encryption described in *Challener* is not

something that is stored on an election key, as required by the claims of this application. Instead, *after* the voter information is read from the smart card described in *Challener* by the data processing system, this information is then encrypted *by the data processing system* for communication to the authentication server (see Col. 7, lines 38-58). Thus, the information is not encrypted on the smart card (which the Examiner equates to the claimed election key), but is instead encrypted after it is read from the smart card. Thus even if encrypted information is equivalent to a digital signature, such a digital signature is not stored on a tangible election key as required by the present claims.

Second, the proposed combination does not store any information (digital signature or otherwise) that is retrieved from a tangible election key by a computing device to ensure that the election key is valid and authentic and also does not present ballot questions to the voter based on whether an appropriate information (digital signature or otherwise) is retrieved from the election key. The Office Action does not appear to address these limitations of the rejected claims.

Furthermore, although not described in the Office Action, the Examiner asserted in a past telephone interview that *VTP* also discloses the use of a digital signature on an election key at page 61, column 1, paragraph 5. However, *VTP* discloses that the completed *ballot*, not the *election key*, contains a digital signature. Therefore, it does not disclose “one or more computing devices operable to: interface with the election key; retrieve the digital signature from the election key to ensure that the election key is valid and authentic; [and] present ballot questions to the voter if an appropriate digital signature is retrieved from the election key.” Since the digital signature is not added until the ballot is completed, it cannot be used to ensure that an election key is valid and authentic before presenting ballot questions to the voter.

For at least these reasons, Applicant believes that Claims 1, 27, and 48-49 are allowable over the cited references. Therefore, Applicant respectfully requests reconsideration and allowance of Claims 1, 27, and 48-49 and all claims that depend from those claims.

CONCLUSION

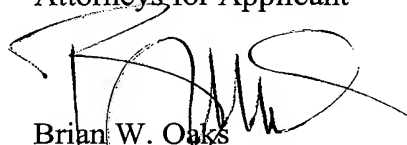
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicant, at the Examiner's convenience at (214) 953-6986.

Applicant hereby takes an Extension of Time for responding to the Office Action for three (3) months. **The Commissioner is authorized to charge the three-month extension fee of \$510.00 to Deposit Account No. 02-0384 of Baker Botts L.L.P.** The Commissioner is also hereby authorized to charge any other fees to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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